

Notice of Allowability

Application No.

10/718,476

Examiner

Charles D. Garber

Applicant(s)

STEWART ET AL.

Art Unit

2856

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to 11/20/2003.
2. ☒ The allowed claim(s) is/are 1-36.
3. ☒ The drawings filed on 20 November 2003 are accepted by the Examiner.
4. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 - a) ☐ All b) ☐ Some* c) ☐ None of the:
 1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

* Certified copies not received: _____.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.
THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

5. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
 6. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
 - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
 - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date _____.
 - (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date _____.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
7. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

- | | |
|--|--|
| 1. <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 5. <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 2. <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 6. <input type="checkbox"/> Interview Summary (PTO-413),
Paper No./Mail Date _____. |
| 3. <input checked="" type="checkbox"/> Information Disclosure Statements (PTO-1449 or PTO/SB/08),
Paper No./Mail Date <u>02/24/2004</u> | 7. <input type="checkbox"/> Examiner's Amendment/Comment |
| 4. <input type="checkbox"/> Examiner's Comment Regarding Requirement for Deposit
of Biological Material | 8. <input type="checkbox"/> Examiner's Statement of Reasons for Allowance |
| | 9. <input type="checkbox"/> Other _____. |

The traces 1, 2 3 are explained in the legend in terms of the claim steps A through N. In brief, a test part is filled (until presumably a target fill pressure or fill

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time is achieved), sealed, allowed to stabilize (pause period), snapshot (e.g. tare) pressure (shown as P_{SNAPSHOT}) is then recorded and the pressure permitted to begin decaying.

The test continues until a "slam" test period expires where if the current pressure is above snapshot pressure minus slam differential value ($P > P_{\text{SNAPSHOT}} - \Delta P_{\text{SLAM}}$ is True) the part has little or no leak and is indicated good. This is essentially a quick test and the part is vented if good and the test is terminated.

Otherwise, the test continues, repeatedly measuring and evaluating the current pressure until either it falls below a threshold defined by $P_{\text{SNAPSHOT}} - \Delta P_{\text{STD}}$ at which time the part is indicated bad and vented or until total test time expires at which time the part is indicated good and vented.

The closest prior art of Tveter et al. (US Patent 4,715,214) teaches fill, stabilize, test and vent phases as in the instant invention as shown in figures 2 or 3. The test period starts with a snapshot or tare pressure P_0 as in the instant invention.

However, Tveter and the prior art of record fail to teach two different test periods depending on how well the test is going as in the instant invention.

Dawson et al. (US Patent) teaches "If there is no leak in [a] system 10, the vacuum actuated pump 28 will stop pumping. If a leak exists, the vacuum actuated pump 28 will continue to pump at a rate that will be representative of the flow characteristics of the size of the leak. Since the pump rate is now known, it can be determined if the leak is larger or smaller than the required governmental

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leak limit.” However, this only implies two different test periods, a shorter one for no leak, it does not expressly teach two different test periods, nor an immediate venting following the shorter test indication of no leak.

Claims 2-35 depending from allowable claim 1 are allowed for the same reason.

Claim 36 is allowed for substantially the same reason as claim 1.

For the purpose of more effective and helpful disclosure, if Applicant wishes to amend drawings and specification to include an illustration similar to the one above, Examiner would consider this to be no new matter.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled “Comments on Statement of Reasons for Allowance.”

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Charles D. Garber whose telephone number is (571) 272-2194. The examiner can normally be reached on 6:30 a.m. to 3:00 p.m..

If attempts to reach the examiner by telephone are unsuccessful, the examiner’s supervisor, Hezron Williams can be reached on (571) 272-2208. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

cdg



**CHARLES GARBER
PRIMARY EXAMINER**